

PETITION FOR SPECIAL EXCEPTION 85-10-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for used motor vehicle outdoor sales area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) JOHN A. BROWN
Signature *John A. Brown*
Address MARGARET B. BROWN
(Type or Print Name)
City and State *Towson, Maryland 21204*
Attorney for Petitioner: Box 89, White Hall, 357-5194
(Type or Print Name) Address Phone No.
White Hall, Md. 21161
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
JOHN A. BROWN
Name
Box 89, White Hall, Md. 357-5342/343-0011
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of June, 1984, that the subject matter of this petition be advertised, as required by the Zoning L. v of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of July, 1984, at 10:15 o'clock A.M.

Cell John
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 9, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Maurice W. Baldwin, Esquire
31 Allegheny Avenue
Suite 204
Towson, Maryland 21204

RE: Item NO. 180 - Case NO. 85-10-X
Petitioner - John A. Brown, et ux
Variance Petition

Dear Mr. Baldwin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of the fact that revised site plans were submitted that reflect the enclosed comments, this petition was scheduled for a hearing.

Particular attention should be afforded to the comments of the Department of Permits and Licenses. If you have any questions concerning these comments, you may contact Mr. Charles Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: C. A. Myers
5732 Emory Road
Upperco, Md. 21155

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
N/S Old York Rd., 310' SE of : OF BALTIMORE COUNTY
the Centerline of Kirkwood Shop :
Rd., 7th District :
JOHN A. BROWN, et ux, Petitioners : Case No. 85-10-X
: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings of this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Maurice W. Baldwin, Esquire, 31 Allegheny Ave., Suite 204, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

5732 EMORY ROAD - UPPERCO, MD. 21155

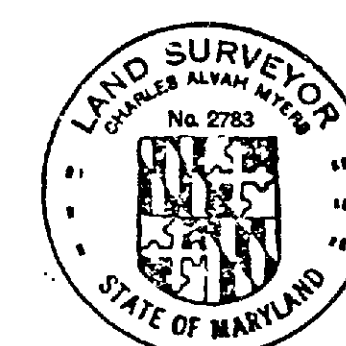
C. A. Myers
State Registered Surveyor No. 2753

PHONE: 429-5079

All that parcel of land situate in the Seventh Election District, Baltimore County, Md.

BEGINNING at a point in the centerline of Old York Road, 310.00 feet Southeast of the centerline of Kirkwood Shop Road, thence, South 64 degrees 16 minutes 48 seconds East 16.00 feet, South 64 degrees 32 minutes East 100.00 feet, North 43 degrees 30 minutes East 215.00 feet, North 64 degrees 32 minutes West 174.00 feet and South 28 degrees 05 minutes 18 seconds West 207.44 feet to the place of beginning, containing six hundred and ninety thousandths (0.690) of an acre of land, more or less.

C. A. Myers
C. A. Myers, Surveyor
5732 Emory Road
Upperco, Md., 21155



REVISED PLANS
JUN 11 REC'D

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

January 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 1-24-84
ITEM: #180.
Property Owner: John A. Brown, et ux
Location: N/S Old York Rd., Route 439, 310' E. from c/1 Kirkwood Shop Rd.
Existing Zoning: B.R.-CR
Proposed Zoning: Special Exception for used motor vehicle outdoor sales area.
Acres: 0.218
District: 7th

Attention: Mr. N. Commodari

Dear Mr. Jablon:

On review of the site plan of 3-1-83 for a special exception for used motor vehicle outdoor sales area, the State Highway Administration will require the plan to be revised.

The revised plan must show a barrier curb along the frontage of the display area parallel to Old York Road, Route 439.

The barrier curb must be constructed.. of railroad ties along the frontage of the display area due to the difference in elevation between the proposed display area and the State roadway.

The purpose of the barrier curb is to prevent vehicles from entering or encroaching into the roadway as a safety factor to the motoring public.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

CL:GW:man

cc: Mr. J. Ogle My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech By: George Wittman
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-525-0283 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

March 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #180 (1983-1984)
Property Owner: John A. Brown, et ux
N/S Old York Rd. 310' E. from centerline
Kirkwood Shop Rd.
Acres: 0.218 District: 7th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Old York Road (Md. 439) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Kirkwood Shop Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #180 (1983-1984)
Property Owner: John A. Brown, et ux
Page 2
March 8, 1984

Water and Sanitary Sewer:

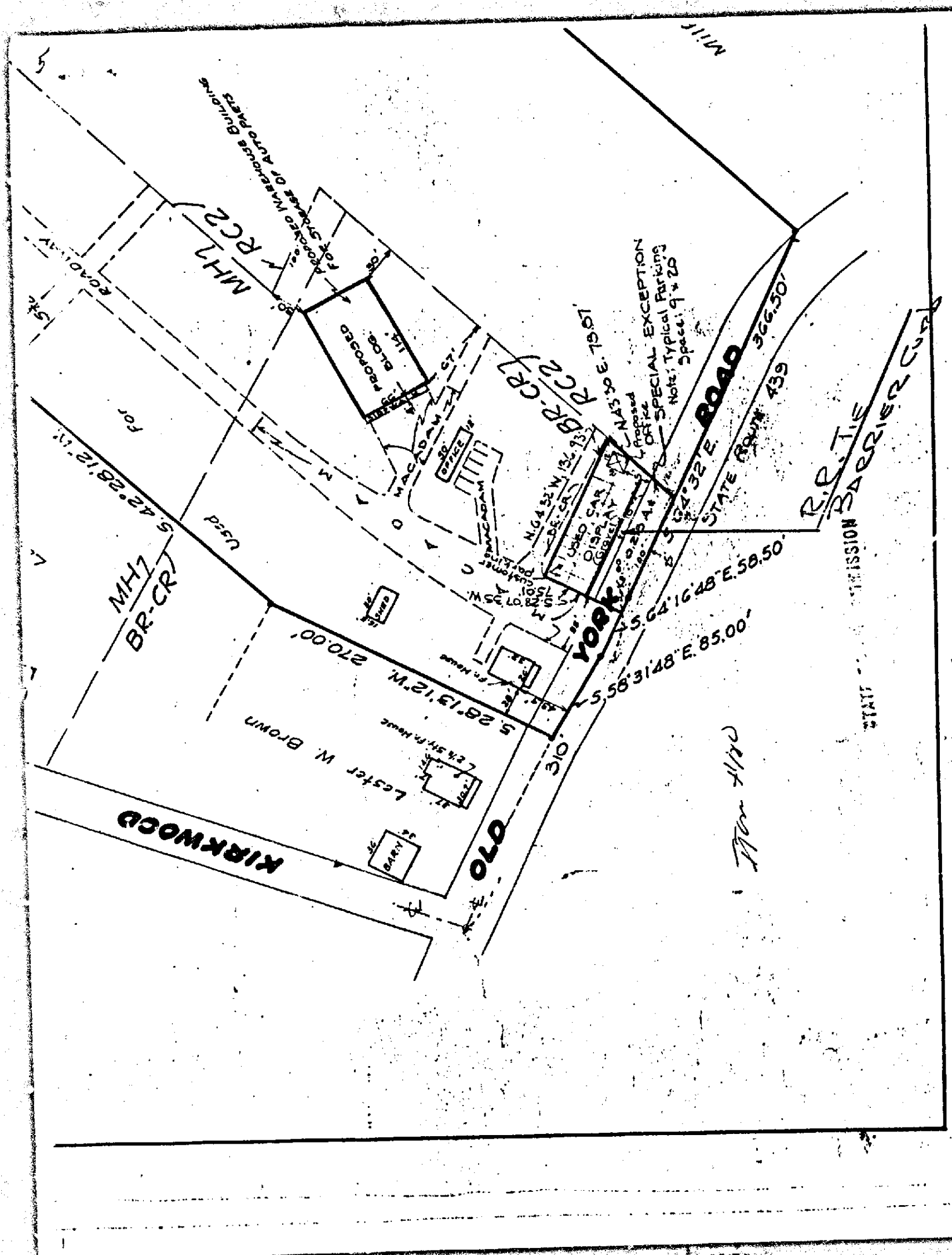
Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. The Baltimore County Water Supply and Sewerage Plans W and S-5A, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:as

NW-MW Key Sheet
133-135 NE 8 & 9 Pos. Sheets
NE 34 B & C Topo
13 Tax Map



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
Hal Kassoff
Acting Administrator

June 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of 1-24-84
ITEM: #180.
Property Owner: John A. Brown, et ux
Location: N/S Old York Road
Route 439, 310' E. from c/l
Kirkwood Shop Road
Existing Zoning: B.R.-CR
Proposed Zoning: Special
Exception for used motor
vehicle outdoor sales area.
Acres: 0.218
District: 7th

Dear Mr. Jablon:

On review of the revised submittal of 6-11-84, the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw
cc: Mr. J. Ogile

My telephone number is (301) 659-1350
Teletypewriter for impaired hearing or speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-422-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



**BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING**
TOWSON, MARYLAND 21204
494-4500

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 1/24/84
Item # 180
Property Owner: John A. Brown, et ux
Location: Old York Rd. E. of Kirkwood Shop Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on [blank].
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change, traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:
Valuation of easements checking must be clearly stated. Customer service should be included in the proposed plan. Review of the proposed plan should be included. Plan for the use of easements should be included in the plan, as well as the use of easements.

Eugene A. Boer
Eugene A. Boer
Chief, Current Planning and Development

cc: James Hoswell



**BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING**
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 180 -ZAC- Meeting of January 24, 1984
Property Owner: John A. Brown, et ux
Location: N/S Old York Road 310' E. from c/l Kirkwood Shop Road
Existing Zoning: B.R.-CR
Proposed Zoning: Special Exception for used motor vehicle outdoor sales area.

Acres: 0.218
District: 7th

Dear Mr. Jablon:

The entrance to this site must meet all the State Highway Administration standards.

Michael S. Flannigan
Michael S. Flannigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 180. Zoning Advisory Committee Meeting of Jan. 24, 1984
Property Owner: John Brown, et ux
Location: N/S Old York Road District 7
Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 434-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 180
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
() The results are valid until [blank]
Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test [blank]
() [blank] is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- (X) All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others *This site is served by a drilled well and sewage disposal system both of which appear to be functioning properly at this time.*

Jan J. Forrester
Jan J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1083 (2)



**BALTIMORE COUNTY
FIRE DEPARTMENT**
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: John A. Brown, et ux

Location: N/S Old York Road 310' E. from c/l Kirkwood Shop Road

Item No.: 180

Zoning Agenda: January 24, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of [blank] feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at [blank] EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Building shall comply with A.I.A. Fire Prevention Code, 1976 Edition Table 14.4.e.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reincke*
Paul H. Reincke, Chief
Fire Prevention Bureau
Special Inspection Division

/mb



**BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES**
TOWSON, MARYLAND 21204
494-3000

TED ZALESKI JR.
DIRECTOR

February 1, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 180 Zoning Advisory Committee Meeting are as follows:

Property Owner: John A. Brown, et ux
Location: N/S Old York Road 310' E. from c/l Kirkwood Shop Road
Existing Zoning: B.R.-CR
Proposed Zoning: Special exception for used motor vehicle outdoor sales area.

Acres: 0.218
District: 7th.

The items checked below are applicable:

- (X) A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- (X) B. A building/ [blank] other [blank] shall be required before beginning construction.
- () C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (X) D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () E. An exterior wall erected within 5'0" for Commercial uses or 3'0" for Two & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.
- () F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s [blank].
- () G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- () H. Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (X) I. Comments- Please be advised under Section 616.0 no more vehicle repair work will be permitted in this structure, unless it is separated from the parts storage area with an approved 3 hour firewall.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles A. Burnham
Charles A. Burnham, Chief
Plans Review

CEB:ee

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 24, 1984

RE: Item No: 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186,
Property Owner: 187, 188, 189, & 190.
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/1h

Enclosures - 17

IN RE: PETITION SPECIAL EXCEPTION
N/S of Old York Road, 310' SE
of the centerline of Kirkwood
Shop Road - 7th Election
District
John A. Brown, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-10-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request special exception to add a used car dealership to the already existing junk yard. The proposed use would be established on that portion of the property zoned B.R.-C.R., as more fully described on the site plan introduced and accepted as Petitioners' Exhibit 1.

The Petitioner, John Brown, appeared and testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property is bifurcated by a zoning line—B.R. zoning to the front on Old York Road and M.H. to the rear. Mr. Brown proposes to put a used car sales area on the front portion zoned B.R., consisting of an office and the display of up to 24 vehicles for sale to the public. The Maryland Department of Transportation has reviewed and approved the Petitioners' proposal. No car repairs, including lubrication and oil changes, will be performed on the premises. There would be no traffic congestion caused by the proposed use nor any detrimental impact to the health, safety, and general welfare of the community.

The Petitioners seek relief from Section 236.4, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR).

It is clear that the BCZR permit the use requested by the Petitioners in a Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed used car

dealership. Therefore, it must be determined whether the conditions delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioners do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held and it appearing that by reason of the requirements of Section 502.1 have been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, on the 20th day of July, 1984, that the Petition for Special Exception for a used car dealership be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The hours of operation shall be from 8:00 a.m. to 5:00 p.m., Tuesday through Saturday.
2. No more than 24 used cars may be displayed for sale at any one time, and said cars must be stored on the parking spaces delineated for such purpose on Petitioners' Exhibit 1.
3. The spaces delineated for customer parking on Petitioners' Exhibit 1 shall be available at all times for customers during business hours.
4. Disabled vehicles shall not be stored or parked on the subject site.
5. Railroad ties, permanently placed, shall be located eight feet behind the right of way for the used car display.
6. No automotive service or repairs shall be permitted on the subject site.
7. One sign, no more than 2' x 4', shall be permitted in addition to the already existing sign.
8. A landscaping plan shall be submitted to the Current Planning and Development Division, Office of Planning and Zoning, which must satisfy the concerns expressed by the Director of Planning in his comments dated July 2, 1984 and made a part of the Baltimore County Zoning Plans Advisory Committee comments.

Wm. Nick Petrovich
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE *July 20, 1984*
BY *John A. Brown, et ux*

DATE *July 20, 1984*
BY *John A. Brown, et ux*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition No. 85-10-X
SUBJECT: John A. Brown, et ux

Date: July 2, 1984

If granted, it is requested that the order be conditioned so as to minimize the visual impact of the operation in view of the rural character of the general area.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

PETITION FOR SPECIAL EXCEPTION

7th Election District

ZONING: Petition for Special Exception
LOCATION: North side Old York Road, 310 ft. Southeast of the centerline of Kirkwood Shop Road

DATE & TIME: Monday, July 16, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for used motor vehicle outdoor sales area

Being the property of John A. Brown, et ux, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 6, 1984

Maurice W. Baldwin, Esquire
31 Allegheny Avenue
Suite 204
Towson, Maryland 21204

Re: Petition for Special Exception
N/S Old York Rd., 310' SE of the c/l
of Kirkwood Shop Road
John A. Brown, et ux - Petitioners
Case No. 85-10-X

Dear Mr. Baldwin:

This is to advise you that \$49.38 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 131920

DATE 7/16/84 ACCOUNT R-01-615-000

AMOUNT \$49.38

RECEIVED FROM Maurice W. Baldwin, Esquire
FOR advertising and posting Case 85-10-X
(John A. Brown, et ux)

0 036*****493810 6164A

VALIDATION OR SIGNATURE OF CASHIER

June 19, 1984

Maurice W. Baldwin, Esquire
31 Allegheny Avenue
Suite 204
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Exception
N/S Old York Road, 310' SE of the c/l of
Kirkwood Shop Road
John A. Brown, et ux - Petitioners
Case No. 85-10-X

TIME: 10:15 A.M.

DATE: Monday, July 16, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Wm. Nick Petrovich
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 124044

DATE 7/16/84 ACCOUNT R-01-615-000

AMOUNT \$49.38

RECEIVED FROM John Brown's Auto Sales, Inc.
FOR Filing Fee For Special Exception

0 036*****1000010 6114A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 1, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204ooo
Nicholas B. Commodari
ChairmanMEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial DevelopmentMaurice W. Baldwin, Esquire
51 Allegheny Avenue, Suite 204
Towson, Maryland 21204RE: Item No. 180
Petitioner - John A. Brown, et ux
Special Exception Petition

Dear Mr. Baldwin:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

State Highway Administration - Mr. George Wittman
659-1350

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

cc: C. A. Myers
5732 Emory Road
Upperco, Md. 21155

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your Petition has been received this 10th day of JANUARY, 1984.Filing Fee \$100.00 Received: ☐ Check
☐ Cash
☐ Other

Item #180

William E. Hammond
William E. Hammond, Zoning CommissionerPetitioner John Brown Submitted by Maurice BaldwinPetitioner's Attorney Maurice Baldwin Reviewed by W.A.

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

85-10-X
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 28, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 28, 1984.

THE JEFFERSONIAN,

18 Kenton
Publisher

#20-00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7
Posted for: Notified for Special Exception Date of Posting: 7/1/84
Petitioner: John A. Brown, et ux
Location of property: 415 Old York Rd., 30' x 51' of the
415 Old York Rd. at
415 Old York Rd. at
Location of Signs: front of property facing Old York
Rd.
Remarks: John A. Brown
Posted by: John A. Brown Signature Date of return: 7/6/84
Number of Signs: 1

85-10-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your petition has been received and accepted for filing this 11th day of June, 1984.*Arnold Jablon*
ARNOLD JABLON
Zoning CommissionerPetitioner John A. Brown, et ux
Petitioner's Attorney Maurice W. Baldwin, EsquireReceived by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee